



Rep. Marcus C. Evans, Jr.

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09900SB1487ham001

LRB099 09675 JLS 36041 a

1 AMENDMENT TO SENATE BILL 1487

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1487 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Counties Code is amended by adding Section  
5 3-5010.7 as follows:

6 (55 ILCS 5/3-5010.7 new)

7 Sec. 3-5010.7. Foreclosure property pilot program.

8 (a) The recorder in a county with a population of more than  
9 3,000,000 shall establish a pilot program that permits  
10 documents to be recorded against a property in foreclosure by  
11 judicial order only.

12 (b) Beginning January 1, 2016, upon motion by the plaintiff  
13 in a foreclosure action, the judge shall issue an order barring  
14 any nonrecord claimants from recording, without approval of the  
15 court, an interest on the property that is the subject of the  
16 foreclosure action. The order shall also prohibit the owner of

1 the property from recording any document without judicial  
2 approval except for court orders related to the foreclosure  
3 case or court orders related to the property that were entered  
4 after the effective date of the order prohibiting recordation.  
5 The term "nonrecord claimant", for purposes of this Act, has  
6 the meaning ascribed to that term in Section 15-1210 of Code of  
7 Civil Procedure. The order shall expire on the date of the  
8 court order confirming the judicial sale of the property  
9 pursuant to a judgment of foreclosure unless renewed by order  
10 of the judge.

11 (c) Upon inspecting the order and making a determination  
12 that the order is valid and prevents any nonrecord claimants  
13 from recording an interest on the property without court  
14 approval, the recorder shall record the court's order as a  
15 separate document in the chain of title, after the notice of  
16 foreclosure. It is the responsibility of the plaintiff to  
17 attach any necessary exhibits to fulfill statutory recording  
18 requirements. The recorder may charge the standard and  
19 applicable recording fees at the time the order is presented  
20 for recording.

21 (d) If a court order has been recorded under this Section,  
22 a nonrecord claimant shall not record a document regarding the  
23 property that is the subject of the foreclosure action without  
24 a certified court order. A nonrecord claimant shall obtain a  
25 certified court order by filing a motion in the office of the  
26 clerk of the court in which the action is pending. The court

1 shall then issue a dated certified order indicating the type of  
2 document to be recorded, the person or entity authorized to  
3 record, the property index number of the property, and the case  
4 number of the foreclosure. The order must be presented in  
5 person to designated staff in the recorder's office along with  
6 the document to be recorded. The recorder shall not accept  
7 recordings subject to this Section by mail or electronic  
8 submission. A mechanics lien claimant, unit of government, or  
9 any duly appointed persons or entities acting as agents for a  
10 unit of government or judicial body shall not be required to  
11 obtain a certified court order in accordance with this  
12 subsection in order to record a document on the property that  
13 is the subject of a foreclosure action.

14 (e) The recorder is authorized to inspect the photo  
15 identification of any person attempting to record a document on  
16 a title that is subject to a court order under this Section and  
17 may deny recordation to any person who refuses to provide  
18 proper photo identification.

19 (f) Once the foreclosure is finalized and a new deed is  
20 issued, an official court order confirming the sale must be  
21 presented for inspection at the time of recordation of the deed  
22 as evidence of the expiration of the order prohibiting  
23 recordation.

24 (g) This Section does not apply to a mortgagee or its agent  
25 that recorded the lis pendens notice of foreclosure.

26 (h) If a document is recorded contrary to a court's order

1 and the recorder determines that the recorder's office is  
2 responsible for the error, the recorder shall notify in writing  
3 the person recording the document, if possible, and if after 30  
4 days' notice or 30 days after the recording when the recorder  
5 is unable to notify the filer and that person fails to obtain  
6 the certified order required under subsection (d), the recorder  
7 shall then record a new document clearly referencing the  
8 document number of the erroneous recording and indicating that  
9 it has been voided. If feasible, the recorder shall watermark  
10 the erroneous recording as voided using the word "voided".

11 (i) Except in cases of willful or wanton misconduct, the  
12 recorder, or any agent or employee of the recorder, is immune  
13 from any liability under this Section.

14 (j) The program implemented under this amendatory Act of  
15 the 99th General Assembly shall be considered a pilot program  
16 from January 1, 2016 to January 1, 2019. The recorder may end  
17 the pilot program earlier than January 1, 2019 by sending a  
18 certified letter to the Chief Judge of the county if the  
19 recorder determines that either workforce challenges or  
20 computer hardware or software limitations have prevented the  
21 effective implementation and operation of the program. The  
22 recorder shall enforce in good faith any frozen title requests  
23 initiated prior to cancelling the pilot program.

24 (k) This Section is repealed on January 1, 2019."